

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIAGEO NORTH AMERICA, INC.,

Plaintiff,

v.

W.J. DEUTSCH & SONS LTD. d/b/a
DEUTSCH FAMILY WINE & SPIRITS, and
BARDSTOWN BARREL SELECTIONS
LLC,

Defendants.

No. 1:17-cv-04259-LLS

Hon. Louis L. Stanton

**DECLARATION OF GIANNI P. SERVODIDIO IN SUPPORT OF
DIAGEO'S OPPOSITION TO DEUTSCH'S MOTION TO
EXCLUDE THE TESTIMONY OF PHILIP G. HAMPTON, II**

I, Gianni P. Servodidio, hereby declare:

1. I am a partner with the law firm of Jenner & Block LLP, counsel for Plaintiff Diageo North America, Inc. ("Diageo"). I am admitted to practice in this Court. I submit this declaration in support of Diageo's Opposition to Deutsch Family Wine & Spirits' and Bardstown Barrel Selections LLC's (collectively, "Deutsch's") Motion to Exclude the Testimony of Philip G. Hampton, II. The statements made in this declaration are based on my personal knowledge or on information provided to me by Diageo or by colleagues or other personnel working under my supervision on this case.

2. Attached hereto as **Exhibit 1** is a true and correct copy of design patent application no. 29/613,271, filed for Deutsch's Redemption bottle design by a representative for Berlin Packaging, LLC and produced in this action as DFWS00133074.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Expert Rebuttal Report of Philip G. Hampton, II, which was prepared in the above-captioned matter and was submitted on behalf of Diageo on April 12, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Expert Rebuttal Report of Perry J. Saidman, which was prepared in the above-captioned matter and was submitted on behalf of Diageo on April 18, 2019.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of the June 4, 2019 deposition of Philip G. Hampton, II, taken in the above-captioned matter.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of January 2021 in New York, New York.

/s/Gianni P. Servodidio
Gianni P. Servodidio